

MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

JESSE I. LEVINE  
Phone: 212-442-3329  
Fax: 212-788-8877  
E-mail: jlevine@law.nyc.gov

June 11, 2008

Hon. Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1040  
New York, NY 10007

**MEMO ENDORSED**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9/3/08</u>
--

Re: M.M. et al v. NYCDOE, 07 CV 8640 (DLC) (This letter applies to all  
pending cases)

Dear Judge Cote:

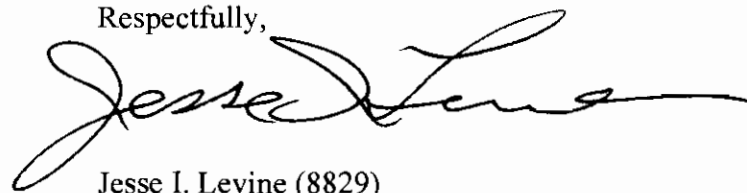
I am writing to request that the briefing schedule submission endorsed by the Court on June 24, 2008 be adjusted by an increment of two weeks. Pursuant to the current schedule there is to be a telephonic conference with Magistrate Judge Maas on September 3, 2008 with respect to the progress on settlement. If there is no settlement defendant is to submit its motion with respect to common issues on September 8, 2008.

There are almost 30 pending cases and the parties have been working to settle them as well as to administratively settle cases not currently pending before this Court. Although it is probable that most, if not all, of the cases will be settled, it is not likely that our process will be completed by next week. Counsel for both sides agree it would be fruitful to continue the process and plaintiff's counsel agrees with this request.

Accordingly, I respectfully request that the telephonic conference with Judge Maas be adjourned until the week of September 15, 2008, and that defendant's time to file its motion on common issues be adjusted to September 22, 2008 with the remainder of the briefing schedule adjusted accordingly.

*Motion is due Sept. 22. There shall be  
no further adjournment. Opposition is  
due October 10; reply is due  
October 17.  
Denise Cote  
Sept. 3, 2008*

Respectfully,

  
Jesse I. Levine (8829)

Cc: Gary Mayerson, Esq.